

AMENDED IN ASSEMBLY MARCH 28, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2058**

---

**Introduced by Assembly Member Levine**

February 19, 2008

---

An act to amend Section 42257 of, and to add Section 42252.5 to, the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 2058, as amended, Levine. Recycling: plastic carryout bags.

~~(1) Existing~~

*Existing* law requires an operator of a store, as defined, to establish an at-store recycling program that provides to customers the opportunity to return clean plastic carryout bags to that store. Existing law imposes various requirements on at-store recycling programs, including requiring a store to maintain records describing the collection, transport, and recycling of plastic carryout bags collected by the store.

This bill would, on and after July 1, 2011, prohibit a store from providing plastic carryout bags to customers unless the store demonstrates an increased diversion rate, as defined, of 35% in the number of plastic carryout bags provided by the store during a specified period. The bill would, on and after July 1, ~~2013~~ 2012 prohibit a store from providing plastic carryout bags to customers unless the store demonstrates an increased diversion rate of 70% in the number of plastic carryout bags provided by the store during a specified period. ~~The bill would authorize a store to sell a plastic carryout bag to a customer at a cost greater than or equal to \$0.15 per bag as an alternative to demonstrating the increased diversion rates. The bill would require a store that is not complying with the diversion rate requirements to sell~~

*plastic carryout bags to customers for not less than \$0.15 per bag. A store charging customers for plastic carryout bags would be required to demonstrate that any revenue collected, excluding the cost of the bags and a reasonable financial return, is used to fund specified programs.*

~~(2) Under existing law, the above provisions are effective only until January 1, 2013.~~

~~This bill would extend the effective date of those provisions until January 1, 2015.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 42252.5 is added to the Public Resources  
2 Code, to read:

3 42252.5. (a) Except as provided in subdivision (c), on and  
4 after July 1, 2011, a store shall not provide a plastic carryout bag  
5 to a customer unless the store demonstrates to the board that, in  
6 comparison to the number of plastic carryout bags provided by the  
7 store to customers and subjected to diversion in the 2007 calendar  
8 year, at least 35 percent more plastic carryout bags provided by  
9 the store to customers during the 12-month period ending on  
10 December 31, 2010, and annually thereafter, have been subjected  
11 to diversion, as described in subdivision (d).

12 (b) Except as provided in subdivision (c), on and after July 1,  
13 ~~2013~~ 2012, a store shall not provide a plastic carryout bag to a  
14 customer unless the store demonstrates to the board that, in  
15 comparison to the number of plastic carryout bags provided by the  
16 store to customers and subjected to diversion in the 2007 calendar  
17 year, at least 70 percent more plastic carryout bags provided by  
18 the store to customers during the 12-month period ending on  
19 December 31, ~~2012~~ 2011, and annually thereafter, have been  
20 subjected to diversion, as described in subdivision (d).

21 ~~(e) A store may sell a plastic carryout bag to a customer at a~~  
22 ~~cost greater than or equal to fifteen cents (\$0.15) per bag.~~

23 (c) *If a store does not comply with subdivisions (a) and (b), the*  
24 *store may only provide a plastic carryout bag to a customer if the*  
25 *store charges the customer not less than fifteen cents (\$0.15) per*  
26 *bag.*

1     (d) A store charging customers for plastic carryout bags  
2     pursuant to subdivision (c) shall demonstrate that any revenue  
3     collected, excluding the cost of the plastic carryout bags and a  
4     reasonable financial return, shall be used, in consultation with  
5     local communities, to fund plastic bag litter reduction, cleanup,  
6     waste reduction, and recycling activities.

7     ~~(d)~~

8     (e) (1) Diversion, for purposes of this section, includes a  
9     reduction in the volume of plastic carryout bags provided to  
10    customers and an increase in the volume of plastic carryout bags  
11    recycled.

12    (2) All of the following are diversion for purposes of this  
13    section:

14    (A) Diversion of plastic carryout bags provided by an individual  
15    store.

16    (B) Diversion of plastic carryout bags provided by a chain of  
17    stores under common ownership.

18    (C) Diversion of plastic carryout bags within a city, county, or  
19    region.

20    (D) Diversion of plastic carryout bags within the entire state.

21    ~~SEC. 2. Section 42257 of the Public Resources Code is~~  
22    ~~amended to read:~~

23    ~~42257. This chapter shall remain in effect only until January~~  
24    ~~1, 2015, and as of that date is repealed, unless a later enacted~~  
25    ~~statute, that is enacted before January 1, 2015, deletes or extends~~  
26    ~~that date.~~